

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mary Bendig *et al.*

Serial No.: 10/070,566

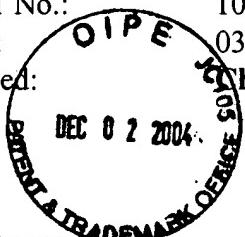
Group No.: 1638

Filed: 03/07/02

Examiner: Mehta, A.D.

Entitled:

Chimaeric Plant Viruses With Mucin Peptides



TERMINAL DISCLAIMER

MS Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: November 29, 2004

By: _____

Cliff Cannon-Cin

Sir or Madam:

Petitioner, The Dow Chemical Company, a corporation organized and existing under the laws of the State of Delaware, is the owner of one-hundred percent (100%) interest in the instant application. The Assignment from the inventors was recorded in the U.S. Patent and Trademark Office at Reel 015195, Frame 0740. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Nos. 5,874,087, 5,958,422, and 6,110,466. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173, as presently shortened by any terminal

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Attorney Docket No. **60816**

disclaimer, in the event that U.S. Patent Nos. 5,874,087, 5,958,422, and 6,110,466, expire for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and it is certified to the best of the undersigned's knowledge and belief, that title is held by the petitioner identified above. The undersigned is an agent of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: November 29, 2004



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